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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,488	03/21/2001	Ronald Neufert	GR 98 P 3721 P	4628

24131 7590 03/23/2005  
LERNER AND GREENBERG, PA  
P O BOX 2480  
HOLLYWOOD, FL 33022-2480

EXAMINER
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TRAN, DIEM T

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/814,488	<b>Applicant(s)</b> NEUFERT, RONALD	
	<b>Examiner</b> Diem Tran	<b>Art Unit</b> 3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This office action is in response to the amendment filed on 12/30/04. The Applicant filed Affidavit under 37 C.F.R 1.131 to overcome the prior art that was used to reject claims 1-14 in the last Office Action for this application; however, a new non-final rejection is set forth below.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

***Claims 1, 4-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmelz (US Patent 5,628,186).***

Regarding claims 1, 4-9, Schmelz discloses an exhaust-gas cleaning installation for a combustion system, comprising:

a catalytic converter (8) through which exhaust gas from a combustion system can flow;  
a metering device (24) for introducing a reagent (26) into the exhaust gas (see Figure 1);  
and a monitoring unit connected to said metering device for calculating a quantity of NO<sub>x</sub> pollutant emitted from the combustion system per unit time from operationally relevant parameters of the combustion system using a functional relationship (see col. 3, lines 6-16, 26-45); said monitoring unit having an interface to be connected to an external measuring for transmitting at least one of the functional relationship and values for the operationally relevant parameters in the form of data through said interface between said monitoring unit and the

Art Unit: 3748

external measuring (see col. 7, lines 53-65), for checking and, if appropriate, correcting the functional relationship with the external measuring (see col. 3, lines 8-25, col. 4, lines 1-15, 26-40, 48-67, col. 5, lines 53-67, col. 6, lines 1-3).

Regarding claim 10, Schmelz further discloses measuring the pollutant in an exhaust gas stream upstream of the catalytic converter (see col. 8, lines 1-25).

Regarding claims 11, 12, Schmelz further discloses performing a pollutant measurement (20) in the exhaust-gas stream downstream of the catalytic converter and determining activity of the catalytic converter (see col. 9, lines 63-67, col. 10, lines 1-25).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

***Claims 2, 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmelz (US Patent 5,628,186).***

Regarding claims 2, 3, Schmelz discloses all the claimed limitations as discussed in claim 1 above; however, fails to disclose that said interface is a plug or screw connection. It is obvious for one having ordinary skill in the internal combustion engine art to realize that the Input/Output (I/O) unit in a computer includes an interface where a plug or screw connection is utilized for attaching an input or output signal wire.

*Claims 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmelz (US Patent 5,628,186) in view of Sawada (US Patent 5,983,629).*

Regarding claims 13, 14, Schmelz discloses all the claimed limitations as discussed in claims 11, 12 above, however, fails to disclose emitting a signal to a display device if the catalyst activity falls below a fixed value. Sawada teaches that it is conventional in the art, to emit a signal to a display device if the catalyst activity falls below a fixed value (see col. 6, lines 1-2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have utilized the teaching of Sawada in the Schmelz device, since the use thereof would have provided a means to signal a malfunction of the catalytic converter to the users.

### ***Conclusion***

Any inquiry concerning this communication from the examiner should be directed to Examiner Diem Tran whose telephone number is (571) 272-4866. The examiner can normally be reached on Monday -Friday from 8:30 a.m.- 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reached on (571) 272-4859. The fax number for this group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about

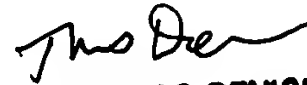
Art Unit: 3748

the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 800-786-9199 (toll-free).



Diem Tran  
Patent Examiner  
Art unit 3748

DT  
March 15, 2005



**THOMAS DENION**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**